

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

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U.S. DISTRICT COURT

William Adams  
Attorney Pro Se  
Utah State Prison  
P.O. Box 250  
Draper, Utah 84020

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
CENTRAL DIVISION

WILLIAM ADAMS,	)	Case: 2:10cv00746
	)	Assigned To : Jenkins, Bruce S.
	)	Assign. Date : 8/6/2010
Plaintiff,	)	Description: Adams v. Gardner et al
	)	
v.	)	
	)	CIVIL RIGHTS COMPLAINT AND
DR. RICHARD GARDNER, Medical	)	DEMAND FOR JURY TRIAL
Director, at the Utah State Prison,	)	
individually;	)	
DR. KENNON TUBBS, Medical Admin., at	)	
the Utah State Prison, individually;	)	
CHRIS ABBOTT, P.A. at the Utah	)	
State Prison, individually;	)	
JOHN DOES 1-10, employees at	)	
Utah State Prison, individually,	)	
	)	
Defendants.	)	

**JURISDICTION**

1. William Adams, is a citizen of Utah, who presently resides at the Utah State Prison, P.O. Box 250, Draper, Utah 84020.

2. Defendant Dr. Richard Garden, is a citizen of Utah, and is employed as the Medical Director at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of

state law in that he is the Medical Director at the Utah State Prison for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

3. Defendant Dr. Kennon Tubbs, is a citizen of Utah, and is employed as the Medical Administrator at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he is the Medical Administrator at the Utah State Prison for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

4. Defendant P.A. Chris Abbott, is a citizen of Utah and is employed as a Medical Physician Assistant at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he is a Medical P.A. at the Utah State Prison for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

5. Defendant John Does 1-10, whose true names are unknown and when true names are ascertained the pleadings will be amended accordingly, are citizens of Utah, and are employed at the Utah State Prison. At the time the claim(s) alleged in this complaint arose, these defendants were acting under color of state law in that they are

employees for the Utah Department of Corrections and are directly responsible for wrongful actions alleged herein.

6. Jurisdiction is invoked pursuant to 28 U.S.C. Sec. 1343 (3); 42 U.S.C. 1983.

#### **B. NATURE OF CASE**

7. In March, 2007, Dr. Sara at the Fourth Street Clinic diagnosed Plaintiff with suffering from Osteoporosis. Dr. Sara prescribed the medication Actonel for the Plaintiff to take for this medical condition.

8. Plaintiff took the medication until he was sent to prison. When Plaintiff arrived at the prison and requested Actonel medication for his Osteoporosis from Defendant Dr Garden, Defendant Dr. Tubbs and Defendant Chris Abbott, P.A., he was denied.

9. Plaintiff complains that as a result of the defendants denying and refusing to provide the Plaintiff the Actonel medication or any osteoporosis medication has resulted in his bone density deteriorating which cannot be restored. Also, Plaintiff suffers constant pain and suffering due to the deteriorating bones.

10. Defendants deliberate indifference to the Plaintiff's medical needs and need for the Osteoporosis medication has subjected the Plaintiff to cruel and unusual punishment while at the prison and to future problems with brittle bones and deterioration

of his bodies bone density. As a result of Defendants' actions the Plaintiff is entitled to punitive damages.

### **C. CAUSE OF ACTION**

11. Plaintiff alleges that the following constitutional rights, privileges or immunities have been violated and that the following facts form the basis for the allegations:

1. Count I: Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment has been violated by Defendants actions in that they are denying him medications that have been prescribed and which he needs as a result of Osteoporosis and deteriorating bone density.

### **D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

12. Plaintiff has not filed any other law suits in state or federal court dealing with the same facts involved in this action.

13. Plaintiff has previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of herein to no avail.

### **E. REQUEST FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- a) Trial by jury.
- b) That counsel be appointed to represent the Plaintiff in this action.
- c) Punitive damages in the amount of \$10,000,00.00.

- d) Compensatory damages in the amount of \$10,000.00.
- e) Grant attorney fees and court costs for this action.
- f) Such other and further relief the court deems just and proper.

DATED this 22 day of July, 2010.

  
William Adams  
Plaintiff

